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**Introduced by Senator Wieckowski**

February 24, 2015

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An act to amend Section 430.30 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as introduced, Wieckowski. Civil actions: objections to pleadings.

Under existing law, a party in a civil action may object to a complaint, cross-complaint, or answer by demurrer if the ground for the objection appears on the face of the pleading or is from a matter of which the court must or may take judicial notice. If the ground for the objection does not appear on the face of the pleading, existing law permits the objection to be taken by answer. Existing law permits a party objecting to a complaint or cross-complaint to demur and answer at the same time.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 430.30 of the Code of Civil Procedure
- 2 is amended to read:
- 3 430.30. (a) ~~When any~~ *If a* ground for objection to a complaint,
- 4 cross-complaint, or answer appears on the face thereof, or from
- 5 any matter of which the court is required to or may take judicial

1 notice, the objection on that ground may be taken by a demurrer  
2 to the pleading.

3 (b) ~~When any~~ *If* a ground for objection to a complaint or  
4 cross-complaint does not appear on the face of the pleading, the  
5 objection may be taken by answer.

6 (c) A party objecting to a complaint or cross-complaint may  
7 demur and answer at the same time.